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10
11 UNITED STATES DISTRICT COURT
12 SOUTHERN DISTRICT OF CALIFORNIA
13

14 GARY A. STEIN

15 Plaintiff,

16 v.

17 RAY MABUS, Secretary of the Navy,

18 Defendant.
19

No. 12cv0816-H(BGS)

JOINT MOTION FOR AN
EXTENSION OF TIME TO
RESPOND TO THE FIRST
AMENDED COMPLAINT

20 COME NOW THE PARTIES, Plaintiff Gary A. Stein, by and through
21 his counsel, David Loy and Gary Kreep, and Defendant Ray Mabus,
22 Secretary of the United States Navy, by and through his counsel, Christopher
23 R. Hall, Senior Attorney, Civil Division, United States Department of Justice;
24 and Matthew J.B. Lawrence, Trial Attorney, Civil Division, United States
25 Department of Justice; and hereby jointly move the Court that the time for
26 Defendant to respond to Plaintiff's First Amended Complaint, ECF No. 37,
27 shall be extended from November 2, 2012 to November 30, 2012. As good
28 cause for this motion, the parties submit the following:

- 1 1. Plaintiff initiated this action by filing the Complaint on April
2 3, 2012. ECF No. 1.
- 3 2. On June 4, 2012, the parties jointly moved to establish a
4 schedule for filing a first amended complaint and response
5 thereto. ECF No. 33. On June 5, 2012, the Court granted that
6 motion, ordering that Defendant need not respond to the
7 Plaintiff's original complaint and that the Defendant's
8 response to any subsequent complaint filed by Plaintiff would
9 be due thirty days after the filing of any such subsequent
10 complaint. ECF No. 34.
- 11 3. On October 3, 2012, Plaintiff filed the First Amended
12 Complaint. ECF No. 37. Pursuant to the Court's June 5, 2012
13 Order, the Defendant's response to that Complaint is currently
14 due November 2, 2012.
- 15 4. There is good cause to extend by twenty-eight days the
16 deadline for Defendant to respond to the First Amended
17 Complaint. The Government needs additional time to
18 coordinate within the Department of Justice and with the
19 Marine Corps about the allegations asserted in the First
20 Amended Complaint and the Government's response thereto.
21 This need is due in part to the pre-planned absence from the
22 office of Government attorneys involved in the case for
23 significant portions of the month of October, as well as the
24 press of litigation in other matters.
- 25 5. This request is made in good faith and not for the purposes of
26 delay.

27 For the foregoing reasons, the parties respectfully request that the
28 Court extend from November 2, 2012 to November 30, 2012, the deadline for

1 Defendant to answer or otherwise respond to Plaintiff's First Amended
2 Complaint.

3 DATED October 25, 2012 s/ David Loy
4 Attorney for Plaintiff
5 Email: davidloy@aclusandiego.org

6 Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative
7 Policies and Procedures of the United States District Court for the Southern
8 District of California, I certify that the content of this document is acceptable
9 to counsel for the Plaintiff and that I have obtained authorization from David
10 Loy to affix his electronic signature to this document.

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